

**EMERGENCY PETITION TO RE-LIST THE LOUISIANA BLACK BEAR  
(*Ursus americanus luteolus*) UNDER THE UNITED STATES ENDANGERED  
SPECIES ACT AS A THREATENED OR ENDANGERED SPECIES**



**NOVEMBER 11, 2024**

**ATCHAFALAYA BASINKEEPER,  
LOUISIANA CRAWFISH PRODUCERS ASSOCIATION – WEST,  
HEALTHY GULF, & SIERRA CLUB DELTA CHAPTER**

## NOTICE

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Pursuant to Section 4(b) of the Endangered Species Act (“ESA”), 16 U.S.C. § 1533(b); Section 553(e) of the Administrative Procedure Act, 5 U.S.C. § 553(e); and 50 C.F.R. § 424.14(a), Atchafalaya Basinkeeper, Inc. (“Basinkeeper”) hereby petitions the Secretary of the Interior, through the United States Fish and Wildlife Service (“FWS,” “Service”), to once again protect the Louisiana Black Bear (*Ursus americanus luteolus*) by listing the bear as a threatened or endangered species.

Basinkeeper requests that this petition be treated as an emergency that must be acted on prior to December 7, 2024, for the reasons stated in the **Threats** section of this petition. The Service has jurisdiction over this petition and must make an initial finding “[t]o the maximum extent practicable, within 90 days after receiving the petition,” 16 U.S.C. § 1533(b)(3)(A), though Basinkeeper urges the Service to understand that a failure to institute immediate protections on an emergency basis before December 7, 2024, could lead to the eventual and expedited extinction of the Louisiana Black Bear. The Service has the authority to promulgate an emergency listing rule for any species when an emergency exists that poses a significant risk to the species, and doing so here is necessary to ensure the continued survival of this species.<sup>1</sup>

This petition is submitted by Atchafalaya Basinkeeper, Inc, Louisiana Crawfish Producers Association – West, Healthy Gulf, and the Sierra Club Delta Chapter.

Basinkeeper is a citizen-based, nonprofit organization dedicated to the protection of the Atchafalaya Basin, essential habitat for the Louisiana Black Bear. Basinkeeper submits this petition on its own behalf and on behalf of its members and staff with an interest in protecting the Louisiana Black Bear and its habitat for future generations. Louisiana Crawfish Producers Association – West is a nonprofit organization comprised of commercial and recreational

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<sup>1</sup> 16 U.S.C. § 1533(b)(7)

fishermen whose purpose is to educate and advocate for the rights to access navigable waters. Healthy Gulf is a nonprofit organization whose purpose is to collaborate with and serve communities who love the Gulf of Mexico by providing research, communications, and coalition building tools needed to reverse the long pattern of over exploitation of the Gulf's natural resources. Sierra Club Delta Chapter is a local chapter of a national grassroots organization whose mission it is to explore, enjoy, and protect the wild places of the Earth; to practice and promote the responsible use of the Earth's ecosystems and resources; and to educate and enlist people to protect and restore the quality of the natural and human environment.

Basinkeeper hopes that the Service will diligently consider this petition. Please contact the author of this petition, Brennan Spoor, at (225) 335-3076 or [brennan@basinkeeper.org](mailto:brennan@basinkeeper.org) if you have any questions or needs for clarification on the information in this petition.\*

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## EXECUTIVE SUMMARY

The Louisiana Black Bear (referred to interchangeably as *luteolus*) is the state mammal of Louisiana and one of 16 recognized subspecies of the American Black Bear. Before large-scale human development, the Louisiana Black Bear is estimated to have inhabited a range of at least 120,000 square miles, and the population of the bear at that time is estimated to have been upwards of 80,000 individuals.<sup>2</sup> By the 1950s, only 80 to 120 Louisiana Black Bears were believed to be living in Louisiana, well under one percent of the historic population.

With *luteolus* facing extinction, the Service listed the Louisiana Black Bear as threatened on January 7, 1992, in response to a petition submitted by Harold Schoeffler on March 6, 1987.<sup>3</sup> The Listing Decision was based on the historical modification and reduction of the bear habitat within the historic range, the reduced quality of the remaining habitat due to fragmentation and development, the threat of future habitat conversion, and human-related mortality. The Service has emphasized that the “key habitat requirements of black bears are food, water, cover, and denning sites which are spatially arranged across sufficiently large, relatively remote blocks of lands.”<sup>4</sup> And significantly, the Listing Decision specifically indicated that the Louisiana Black Bear qualified to be listed as a threatened species based on habitat loss alone.<sup>5</sup>

After the Service listed *luteolus* as a threatened species, the Service and a coalition of environmental and state organizations collectively developed a recovery plan.<sup>6</sup> The primary objective of this plan was to delist the bear, and the Service outlined three recovery criteria needing to be accomplished:

- (1) At least two viable subpopulations, one each in the Tensas and Atchafalaya River Basins;
- (2) Establishment of immigration and emigration corridors between the two subpopulations;

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<sup>2</sup> Ronald Nowak, *Comments on Proposed Delisting of the Louisiana Black Bear*, 3-7 (2015). Available at Appendix II.

<sup>3</sup> U.S. Fish and Wildlife Service. Endangered and threatened wildlife and plants: Threatened status for the Louisiana black bear and related rules. 57 Fed. Reg. 588-95 (January 7, 1992). Available at Appendix A. [hereinafter referred to as Listing Decision]. The original petition submitted by Harold Schoeffler is available at Appendix RR.

<sup>4</sup> U.S. Fish and Wildlife Service and Black Bear Conservation Coalition, *Louisiana Black Bear Recovery Plan* (September 27, 1995). Available at Appendix B.

<sup>5</sup> Listing Decision at 592 (Appendix A).

<sup>6</sup> Appendix B.

(3) Protection of the habitat and interconnecting corridors that support each of the two viable subpopulations used as justification for delisting.<sup>7</sup>

The Service specified that a “minimum viable subpopulation is defined as a subpopulation which has a 95 percent or better chance of persistence over 100 years,” and the Service attached the same requirement for habitat protection, meaning that the Louisiana Black Bear’s habitat would only be considered protected if “habitat degradation is unlikely to occur over 100 years.”<sup>8</sup> The Service identified agreements with private landowners as the desired method to achieve this habitat protection, though statutory protections were granted in 2009 when the Service designated approximately 1,195,800 acres as “critical habitat” under the Endangered Species Act.<sup>9</sup> The Service did not identify an exact amount of habitat that would be necessary for recovery, other than the implied criteria that habitat be large enough to allow for recovery criteria to be met, but it is important to note that Black Bear habitat in Louisiana historically spanned more than 76 million acres.<sup>10</sup>

Unfortunately, in 2016, despite being unable to determine the long-term viability of the subpopulation in the lower Atchafalaya, the Service officially delisted the Louisiana Black Bear, removing federal protections provided by the ESA to every bear in Louisiana and all bear habitat.<sup>11</sup> In its decision, the Service admitted that a corridor had not been created between the subpopulations, instead claiming to have identified a satisfactory alternative method of connecting groups of bears.<sup>12</sup> The Service also admitted that two conservative population measures estimated a probability of persistence below the 95 percent threshold for viability.<sup>13</sup>

Prior to delisting the bear, the Service conducted a Five-Year Review that began in 2007 and was published in 2014.<sup>14</sup> Since removing protections from the Louisiana Black Bear, the Louisiana

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<sup>7</sup> Executive Summary of Louisiana Black Bear Recovery Plan (*See* Appendix B).

<sup>8</sup> *Id.* at 14.

<sup>9</sup> U.S. Fish and Wildlife Service. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Louisiana Black Bear (*Ursus americanus luteolus*). 74 Fed. Reg. 10,350 (March 10, 2009). Available at Appendix C.

<sup>10</sup> Ronald Nowak, *Comments on Proposed Delisting of the Louisiana Black Bear*, 3-7 (2015). Available at Appendix II.

<sup>11</sup> U.S. Fish and Wildlife Service. Endangered and Threatened Wildlife and Plants; Removal of the Louisiana Black Bear From the Federal List of Endangered and Threatened Wildlife and Removal of Similarity-of Appearance Protections for the American Black Bear. 81 Fed. Reg. 13,124 (March 11, 2016) [hereinafter referred to as Delisting Rule]. Available at Appendix D.

<sup>12</sup> *Id.* at 13136-38 (Appendix D).

<sup>13</sup> *Id.* at 13130 (“Persistence probabilities were lowest for the most conservative estimation methods (Model 2, all uncertainty projections) at 0.93 and 0.85, respectively.”) (Appendix D).

<sup>14</sup> U.S. Fish and Wildlife Service. Endangered and Threatened Wildlife and Plants; 5-Year Review of Nine Southeastern Species. 72 Fed. Reg. 42425 (August 2, 2007). The Service published its 5-Year Review: Summary and Evaluation for the Louisiana Black Bear on February 18, 2014. Available at Appendix E.

Department of Wildlife and Fisheries (“LDWF”) has published a Post-Delisting Monitoring Report for each of the seven years that followed delisting.<sup>15</sup> Despite observing a mortality rate that is trending upward,<sup>16</sup> LDWF determined that the Louisiana Black Bear population had achieved viability for the foreseeable future, and with its post-delisting monitoring obligations in the rear-view today, Louisiana has determined the bear fit to be hunted.<sup>17</sup> Because of this hunt and many confounding factors, the Louisiana Black Bear’s continued existence is once again threatened.

### ***Overutilization for Commercial and Recreational Purposes***

Though the Louisiana Black Bear is seriously threatened by the continued loss and degradation of its habitat—the first listed factor for determining threats to a species under the ESA—the most immediate threat to the continued viability of bear populations in Louisiana is the state-sponsored harvest of the Louisiana Black Bear set to take place this December.

When removing the Louisiana Black Bear from the ESA, the Service dismissed any threat from recreational or commercial hunting because Louisiana had not approved a black bear hunt since 1987, because state-level protections would remain after the federal protections were removed, and because assurances had been made by LDWF that a hunt would only occur after sufficient data became available to show that a hunt would not risk the continued viability of any bear population in Louisiana.<sup>18</sup> These conclusions were short-sighted and ill-informed, and the Service’s rosy assumptions about LDWF’s commitment to conservation have been proven incorrect.

### ***Loss and Degradation of Habitat***

The Service justified delisting based in part on the increase in suitable bear habitat that occurred after the 1992 listing. In fact, suitable habitat increased by more than 500 percent from 1992 to 2016, amounting to more than 1,800,000 acres at the time of delisting. This calculation, by itself,

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<sup>15</sup> First Annual Report available at Appendix F. Second Report available at Appendix G. Third Report available at Appendix H. Fourth Report available at Appendix I. Fifth Report available at Appendix J. Sixth Report available at Appendix K. Final Report available at Appendix L.

<sup>16</sup> See Appendix L at 27-31 (Abundance estimates for most models are lower for 2019-20 than years prior to delisting, roadkill numbers are significantly higher in recent years than in the decade prior, and apparent survival rates from most models are lower in the most recent years than in years prior to delisting).

<sup>17</sup> Louisiana Department of Wildlife and Fisheries. *Bear Hunting Areas, Seasons, Rules, and Bag Limits*. LAC 76:XIX.109. LR 50: 1012-14 (July 20, 2024). Available at Appendix M.

<sup>18</sup> Delisting Rule, 81 Fed. Reg. at 13159-60 (Appendix D).

might seem positive, but this number quickly seems insignificant when compared to the over 76 million acres that existed when the bear population was thriving.<sup>19</sup>

Not only does the current range of suitable habitat for *luteolus* pale in comparison to the historic range, but the current picture is inaccurate; the “protections” placed on habitat are rarely enforced, present and future development will likely render much of this habitat unsuitable, and Louisiana has blatantly failed to uphold its promise to prioritize the restoration of bear habitat, even going so far as to redirect money meant for habitat restoration to instead be used to fund the bear hunt.

### ***Inadequacy of Existing Regulatory Mechanisms***

When delisting *luteolus*, the Service determined that protections provided by the Endangered Species Act were no longer necessary because the remaining regulatory protections provided primarily by Louisiana state law, Section 404 of the Clean Water Act, private-landowner conservation agreements, and other environmental easements were sufficient to maintain a viable bear population well into the future.<sup>20</sup> This conclusion ignored the facts before the Service, and the lack of enforcement at all levels of government continues to be a clear threat to the bear population in Louisiana.

In the years leading up to the delisting, and in the years that have followed, the agencies responsible for the bear’s protection have utterly failed to carry out their duties. The examples of agency indifference outnumber the instances where the agencies took extra measures to protect the environment, and the examples of agencies siding with private landowners outnumber the instances of agencies listening to public opinions.

The State of Louisiana has deliberately worked to privatize the bear, and the state has shown no interest in protecting the species at this point. The hunt that is scheduled for this December largely favors wealthy landowners over other citizens, and Louisiana has not taken the time and effort to ensure that the bear population is stable enough to establish a consistent, annual bear hunt. If the Service does not step in immediately, the future of the Louisiana Black Bear is uncertain at best, and non-existent at worst.

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<sup>19</sup> Appendix II at 3-7.

<sup>20</sup> Delisting Rule, 81 Fed. Reg. at 13153, 13159-60, 13164 (Appendix D).

## Introduction

In 1902, Theodore Roosevelt famously refused to shoot a Louisiana Black Bear that had been tied to a tree at the end of an unsuccessful hunting trip through the Mississippi River Delta.<sup>21</sup> Following this individual act of “conservation” in the name of sportsmanship, the Teddy Bear was born in honor of the President and the Louisiana Black Bear. Though President Roosevelt was unwilling to shoot the bear on that famous occasion, far too many other bears were hunted in the years that preceded and followed. In 1992, after decades of overharvesting and habitat destruction, *luteolus* was on a direct path toward extinction, forcing the Service to declare the bear as threatened and provide federal protections under the Endangered Species Act.

Unfortunately, these protections only lasted until 2016, when the Service determined that the three digit bear population had sufficiently recovered. Louisiana is now seeking to hunt its state bear population that is—at best—1.5 percent of the historic population living on roughly 1.5 percent of its historic range.

Louisiana has heralded the increase in bear population as “a symbol of Louisiana’s successful wildlife management approaches and is a prominent example of the success of the Endangered Species Act.”<sup>22</sup> Indeed, if you look at the population data provided by the Service and the State of Louisiana, the importance of the protections provided by the Endangered Species Act are blatantly obvious. In the section of this petition on ***Population Status***, included are graphs that were utilized by Louisiana to claim that the bear population is stable or growing. However, these graphs only show that the population was growing when the bear was listed, but almost every model shows a decreasing population since the year 2016, the year of delisting. Clearly, the overall population increase for the Louisiana Black Bear from 1992 to 2016 “is a prominent example of the success of the Endangered Species Act,” and in the years since the bear was removed from the List, Louisiana has proven the importance of those protections. If the bear is expected to survive for the foreseeable future and beyond, the Service must step in and reinstate threatened status for the bears in Louisiana.

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<sup>21</sup> See National Park Service, *The Story of the Teddy Bear* (<https://www.nps.gov/thrb/learn/historyculture/storyofteddybear.htm>). See also Appendix N in the foreword.

<sup>22</sup> Maria Davidson, et al., *Louisiana Black Bear Management Plan*, Louisiana Department of Wildlife and Fisheries (2015). Available at Appendix N.

## Natural History

### *Taxonomy*

The Louisiana Black Bear was identified by Edward Griffith in 1821 as the distinct species, *Ursus luteolus*; Griffith dubbed *luteolus* “the yellow bear,” and the Louisiana Black Bear is still often seen with a bright golden patch on its chest.<sup>23</sup> In 1893, C.H. Merriam then identified *luteolus* based on five skulls with distinct morphology that were found in Morehouse Parish.<sup>24</sup> Though originally designated as its own species, the Louisiana Black Bear was later classified as one of 16 distinct subspecies of the American Black Bear, with *luteolus* having a uniquely “long, narrow, and flat” skull among its defining characteristics.<sup>25</sup> In 1986, Ronald Nowak, a biologist for the Service, identified the Louisiana Black Bear as a distinct subspecies that likely was in need of federal protections.<sup>26</sup> The Service confirmed its agreement shortly thereafter that *luteolus* was a “valid subspecies” with “little question,” though the Service did express some concern at the time that the subspecies was possibly extinct.<sup>27</sup> Nevertheless, the Service later eliminated its doubts about the existence of *luteolus* and deemed the bear as threatened in its historic range.<sup>28</sup> In the time between Nowak’s letter and the Service’s listing decision, Michael Pelton utilized blood protein electrophoresis, mitochondrial DNA, and skull characteristics to reach the conclusion that *luteolus* was indeed a valid subspecies of the American Black Bear.<sup>29</sup>

### *Present Day Validity of Luteolus*

When the Louisiana Black Bear was listed as a threatened species in 1992, small and isolated populations of the bear existed in the Tensas River Basin (TRB), the Upper Atchafalaya River Basin (UARB), and the Lower Atchafalaya River Basin (LARB).<sup>30</sup> The Service has, to this day,

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<sup>23</sup> Edward Griffith, et al., *General and Particular Descriptions of Vertebrated Animals: Arranged Conformably to the Modern Discoveries and Improvements in Zoology*, Baldwin, Cradock, and Joy, 236-37 (1821). Relevant pages available at Appendix Q.

<sup>24</sup> C.H. Merriam, *The yellow bear of Louisiana, Ursus luteolus Griffith*, Proceedings of the Biological Society of Washington, 7:147-52 (1893). While the original document from 1893 is difficult to procure, Merriam’s determination is cited consistently when discussing the Louisiana Black Bear. See Ronald Nowak, *Status of the Louisiana Black Bear*, U.S. Fish and Wildlife Service (April 13, 1986). Available at Appendix R.

<sup>25</sup> Appendix R at 1 (unnumbered first page).

<sup>26</sup> *Id.*

<sup>27</sup> U.S. Fish and Wildlife Service, *RE: Louisiana Black Bear Report*, 2 (unnumbered second page) (July 2, 1986). Available at Appendix S.

<sup>28</sup> Appendix A.

<sup>29</sup> Michael Pelton, *The Louisiana Black Bear: Status and Future*, University of Tennessee—Department of Forestry, Wildlife, and Fisheries (1989). Available at Appendix T.

<sup>30</sup> Sean Murphy, et al., *Genetic diversity, effective population size, and structure among black bear populations in the Lower Mississippi Alluvial Valley, USA*, Conservation Genetics, 19: 1055-67 (May 25, 2018). Available at Appendix U.

maintained its recognition of *luteolus* as a distinct subspecies of the American Black Bear, but some scientists have worried that interactions between bears from Minnesota and Arkansas and the Louisiana Black Bears may have destroyed the genetically unique subspecies of *luteolus*.<sup>31</sup> It is important to initially point out, though, that this fear of hybridization does not concern the bears in the Lower Atchafalaya River Basin, as those bears have never had a sufficiently connected corridor to interbreed with outside populations.<sup>32</sup> Therefore, if the coastal bears were determined to be *luteolus* at any point, that determination must still stand, and those *luteolus* are disconnected from all other populations and in danger of going extinct.<sup>33</sup> The Louisiana Black Bear Recovery Plan did not include measures to protect the LARB population, and the last comprehensive population data was collected in 2013.<sup>34</sup> That alone should justify intervention by the Service to protect the bears in Louisiana, but the remainder of this petition gives sufficient additional reasons to protect the Louisiana Black Bear.

When publishing its first and only Black Bear Management Plan in 2015, LDWF noted that the validity of the *luteolus* subspecies has been debated extensively since the subspecies was recognized in the first place.<sup>35</sup> Most recently in 2018, scientists and government officials who were involved in the Post-Delisting Monitoring of the Louisiana Black Bear published a paper on genetic diversity and the populations of black bears in Mississippi, Arkansas, and Louisiana.<sup>36</sup>

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<sup>31</sup> See *id.* at 1056-57. See also Appendix R & Appendix S.

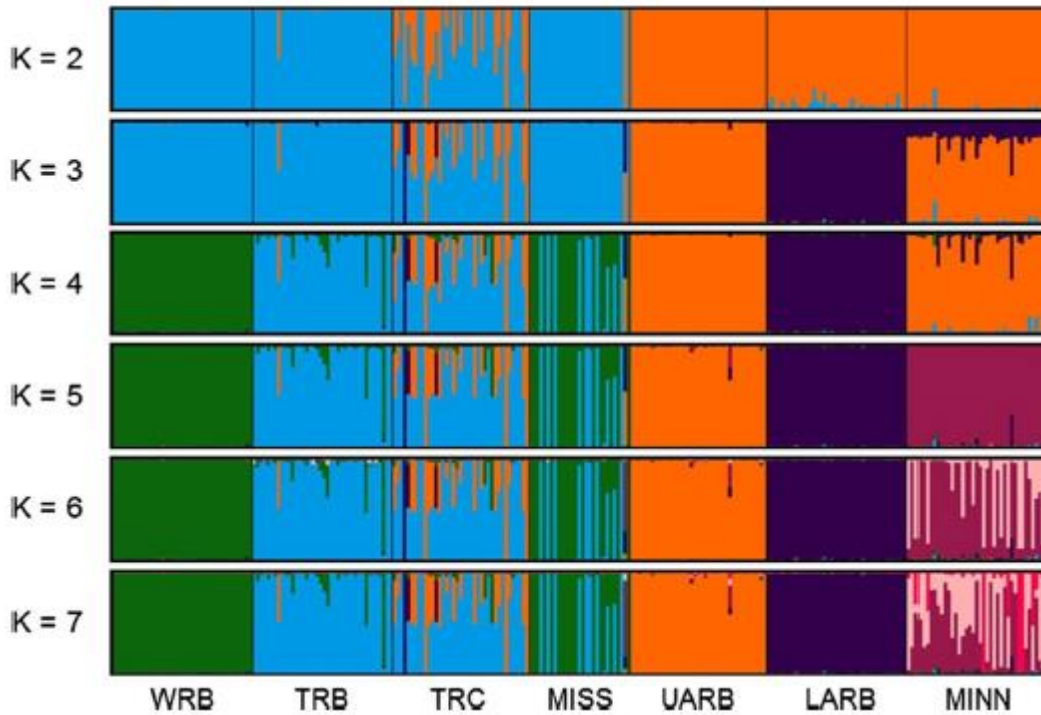
<sup>32</sup> Jesse Troxler, *Population Demographics and Genetic Structure of Black Bears in Coastal Louisiana*, University of Tennessee, 43 (December 2013). Available at Appendix V.

<sup>33</sup> *Id.*

<sup>34</sup> Appendix B at Executive Summary (recovery was focused on the establishment of “two viable subpopulations, one each in the Tensas and Atchafalaya River Basins,” with the clear focus being on the UARB that was “connected” to the TRB through the establishment of a meta population at the Three Rivers Complex (TRC)).

<sup>35</sup> Appendix N at 9.

<sup>36</sup> Appendix U.



**Fig. 3** Results from genetic structure analysis of 265 American black bears from seven populations that were assigned to genetic clusters ( $K$ ) based on genotypes at 23 microsatellite markers. Vertical bars represent individual bears' estimated ancestry coefficients for the individual number of  $K$ s (colored groupings);  $K=5$  was most probable. Populations are White River Basin (WRB), Tensas River Basin

(TRB), Three Rivers Complex (TRC), western Mississippi (MISS), Upper Atchafalaya River Basin (UARB), and Lower Atchafalaya River Basin (LARB), all located in the Lower Mississippi Alluvial Valley, USA, and one population in Minnesota, USA (MINN) that served as a source for translocations to UARB and TRB during the 1960s (Taylor 1971)

In this paper, the authors evaluated the genetic diversity and uniqueness of these bear populations. From the figure that is included above, it is clear that the bears in the Tensas River Basin are undoubtedly distinct from the Minnesota bears that allegedly destroyed the *luteolus* sub-species through hybridization.<sup>37</sup> The coastal bears in the Lower Atchafalaya River Basin are also clearly distinct from the Minnesota bears based on this figure, and at the most probable point of the analysis, every Louisiana population is clearly distinct from the Minnesota bears and the other populations outside of Louisiana.<sup>38</sup> If there is any concern that the *luteolus* species is no longer valid because the species was coopted by the Minnesota bears, this paper appears to prove otherwise.

Further, the black bear population in Louisiana is threatened, regardless of one's position on the validity of *luteolus*. If the Service wishes to now invalidate every prior determination that

<sup>37</sup> Appendix U at 1061.

<sup>38</sup> *Id.*

*luteolus* was a unique subspecies, the Service must still choose to protect the black bear populations within Louisiana as a distinct population segment of the American Black Bear.

Indeed, the Louisiana Black Bear is discrete from other bear populations based on the size and shape of its skull, as well as based on the markings on the bear's fur.<sup>39</sup> The 2018 paper discussed above also indicates that the bear populations in Louisiana are genetically distinct from other bear populations, further showing discreteness, if not proof of the subspecies' validity itself.<sup>40</sup> The Louisiana Black Bear is further significant because of these genetic differences, in addition to its historic significance as the inspiration for the Teddy Bear, and a loss of the Louisiana Black Bear would result in a major loss in the bear's historic range. The Louisiana Black Bear sits in between the bear populations of Mississippi, Texas, and Arkansas, and the loss of the bear population in Louisiana would create a significant gap in range if the black bear were to ever exist fluidly throughout the region.

### ***Species Description***

The Louisiana Black Bear is a "large, bulky mammal with long black hair and a short, well-haired tail."<sup>41</sup> Every documented citing of a black bear in Louisiana has featured a black bear, though the bear's pelage color has historically varied between black, blonde, cinnamon, and brown.<sup>42</sup> Some bears in Louisiana have been identified as having a white or blonde chest blaze.<sup>43</sup> *Luteolus* also has a plantigrade walking pattern, meaning the bear places its heel down first when walking.<sup>44</sup>

Though weight varies throughout the bear's range based on food availability, nutrition, habitat, and other factors, the median estimated weights of adult *luteolus* have historically been around 133 kilograms for males and 67 kilograms for females.<sup>45</sup>

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<sup>39</sup> See Appendix R.

<sup>40</sup> Appendix U at 1061.

<sup>41</sup> Appendix B at 1 (8<sup>th</sup> page of the document).

<sup>42</sup> Appendix N at 8.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Keith Weaver, *The Ecology and Management of the Louisiana Black Bear in the Tensas River Basin of Louisiana*, University of Tennessee, xiii-xiv (December 1999). Available at Appendix W.

## ***Diet***

The Louisiana Black Bear is described as a carnivore based on its size and skull, but the bear is best described as an “opportunistic omnivore” because it will eat almost anything that is available, including vegetation, berries, insects, nuts, and other readily available sources of energy.<sup>46</sup> This idea that the Louisiana Black Bear will eat whatever is available makes the legalized baiting of the bear for this year’s planned harvest especially worrisome, as Louisiana has suggested that it will allow hunters to bait with processed foods that are not naturally available, like donuts, cinnamon rolls, honey buns, and muffins.<sup>47</sup>

## ***Reproduction***

In the Service’s 1995 Recovery Plan for the Louisiana Black Bear, the Service admitted that the “reproductive biology of the Louisiana black bear is not well known. Most reproductive characteristics of the Louisiana black bear are assumptions based upon studies of black bears elsewhere.”<sup>48</sup> Three decades later, the Louisiana Black Bear is better understood, but much of the management of the bear is still guided by general truths about the American Black Bear.

American Black Bears typically breed during the summer months between May and August, with most bears being highly polygamous.<sup>49</sup> Females typically reach sexual maturity after 2 or 3 years, while male black bears usually do not mature until 3 or 4 years of age.<sup>50</sup>

*Luteolus* enters a hyperphagia period between September and November, roughly quadrupling their caloric intake to create a fat reserve in preparation for the often food-scarce winter.

“Acquiring sufficient fat reserves prior to winter is important, especially for prospective pregnant females that will have greater nutritional demands placed on them to raise cubs.”<sup>51</sup>

Black bears do not truly hibernate, but the bears do go through a denning period and a period of general dormancy during the winter.<sup>52</sup> Generally, “Louisiana black bears enter dens between November and early January, depending on latitude, food availability, gender, age, reproductive status, and climatic conditions.”<sup>53</sup> However, “[a]t southern latitudes with warmer climates, where

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<sup>46</sup> Appendix B at 5.

<sup>47</sup> Appendix MM at 3-4.

<sup>48</sup> *Id.* at 6.

<sup>49</sup> Appendix N at 10.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

some natural foods are available during winter months, such as Louisiana, some male bears may remain active throughout winter.”<sup>54</sup> Though, “pregnant female bears give birth to cubs in their winter natal dens only, forcing this segment of the population to den during winter regardless of food availability or climatic conditions.”<sup>55</sup> Adult female bears that are expected to give birth to cubs generally enter dens first, followed by adult females with yearlings, female subadults, male subadults, and finally adult males.<sup>56</sup>

While Louisiana Black Bears have allegedly birthed litters as large as three to five cubs, two cubs is considered to be the average litter size.<sup>57</sup> Following winter dormancy, females with cubs usually leave their dens after all other bears have left.<sup>58</sup> “Cubs will den with their mother the following winter as yearlings and remain with their mother until they reach 15 to 18 months of age.”<sup>59</sup>

In the 2016 Delisting Rule, the Service said the following about the Louisiana Black Bear’s reproduction:

Average age at first reproduction varies widely across black bear studies; however, most reports state that bears first reproduce between 3 and 5 years of age (Weaver et al. 1990a, p. 5). Weaver (1999, p. 28) reported that all adult females (greater than or equal to 4 years old) in the TRB subpopulation had evidence of previous lactation or were with cubs; however, reproduction may occur as early as 2 years of age for black bears in high-quality habitat and in poor or marginal habitat, reproduction may not occur until 7 years of age (Rogers 1987, pp. 51-52). Breeding occurs in summer and the gestation period for black bears is 7 to 8 months. Delayed implantation occurs in the black bear (blastocysts float free in the uterus and do not implant until late November or early December) (Pelton 2003, p. 547). Observations of Louisiana black bears indicate that they enter dens primarily from late November to early December and emerge in March and April (Weaver 1999, p. 125, Table 4.4). Adult Louisiana black bears generally den longer than subadults, and females longer than males (Weaver 1999, p. 123). Cubs are born in winter

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<sup>54</sup> *Id.* at 10-11.

<sup>55</sup> *Id.* at 11.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

dens at the end of January or the beginning of February (Pelton 2003, p. 548). The normal litter sizes range from one to four cubs (Laufenberg and Clark 2014, p. 35), and occasionally litters of five have been documented (Davidson et al. 2015, p. 11). Cubs are altricial (helpless) at birth (Weaver et al. 1990a, p. 5; Pelton 2003, p. 547) and generally exit the den site with the female in April or May. Young bears stay with the female through summer and fall, and den with her the next winter (Pelton 2003, p. 548). The young disperse in their second spring or summer, prior to the female's becoming physiologically capable of reproducing again (Pelton 2003, p. 548).

Adult females normally breed every other year (Pelton 2003, p. 548). Not all females produce cubs every other winter; reproduction is related to physiological condition ( *i.e.*, female bears that do not reach an optimal weight or fat level may not reproduce in a given year) (Rogers 1987, p. 51). If a female's litter is lost prior to late summer, she may breed again, producing cubs in consecutive years (Young 2006, p. 16). An important factor affecting black bear populations appears to be variation in food supply and its effect on physiological status and reproduction (Rogers 1987, pp. 436-437). Nutrition may have an impact on the age of reproductive maturity and subsequent female fecundity (Pelton 2003, p. 547). Black bear cub survival and development are closely associated with the physical condition of the mother (Rogers 1987, p. 434). Cub mortality rates and female infertility are typically greater in years of poor mast (mast includes food sources such as acorns and pecans) production or failure (Rogers 1987, p. 53; Eiler et al. 1989, p. 357; Elowe and Dodge 1989, p. 964). Litter size may be affected by food availability prior to denning (Rogers 1987, p. 53).<sup>60</sup>

### ***Habitat Requirements***

Like other black bears, *luteolus* is a habitat generalist, with habitats varying seasonally based on food availability.<sup>61</sup> “The key habitat requirements of black bears are food, water, cover, and denning sites which are spatially arranged across sufficiently large, relatively remote blocks of lands.”<sup>62</sup> Though *luteolus* are most often found in “[b]ottomland hardwood forests with a high

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<sup>60</sup> Appendix D at 81 Fed. Reg 13125-13126.

<sup>61</sup> Appendix N at 11.

<sup>62</sup> Appendix B at Executive Summary.

tree species diversity,” the bears also utilize “forested spoil areas along bayous, brackish and freshwater marsh, salt domes, and agricultural fields.”<sup>63</sup>

In the winter, Louisiana Black Bears “den in heavy cover or tree cavities,” “and den selection is often associated with habitat type and proximity to water.”<sup>64</sup> The most common denning sites are “[l]arge cavity trees, typically bald cypress (*Taxodium distichum*) and tupelo gum (*Nyssa sylvatica*), commonly found along water courses, swamps, and bottomland hardwood forests.”<sup>65</sup> Den trees in cypress swamps may also increase overall security for the bear population, as these habitats are less susceptible to human disturbances than ground dens, and den trees may contribute to female reproductive success in areas prone to flooding.<sup>66</sup>

Beyond these elements of habitat quality, remoteness is an important feature for Louisiana Black Bear habitat. In its 2009 decision to designate critical habitat for the Louisiana Black Bear, the Service said the following about the importance of remoteness:

Remoteness is an important spatial feature of black bear habitat. In the southeastern United States, remoteness is relative to forest tract size and the presence of roads. Examples of remoteness important for black bear habitat include: A tract of timberland 0.5 mi (0.8 km) from well-maintained roads and development (Rudis and Birdsey 1986, p. 5), a forested tract of more than 2,500 ac (1,000 ha) (Rudis and Tansey 1995, p. 172), or a tract with 0.8 mi or less of road per mile<sup>2</sup> (0.5km/km<sup>2</sup>) of forest (Pelton 1986, p. 52). Remote timberlands, by this definition, are relatively rare within the historical range of black bears and are located primarily in Louisiana (Rudis and Birdsey 1986, p. 5). Increasing road density increases the likelihood of human disturbances, which can limit habitat suitability and use for black bears.

In some cases, where remoteness does not exist, bears are adaptable and through changes in behavior can survive and thrive in proximity to humans if afforded areas of retreat that ensure little chance of close contact or visual encounters. For example, bears may shift home range locations in response to increases in road densities (Brody and Pelton 1989, p. 10). However, in areas of fragmented habitat, behavioral adjustments may not be

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<sup>63</sup> Appendix N at 11-12.

<sup>64</sup> *Id.* at 11.

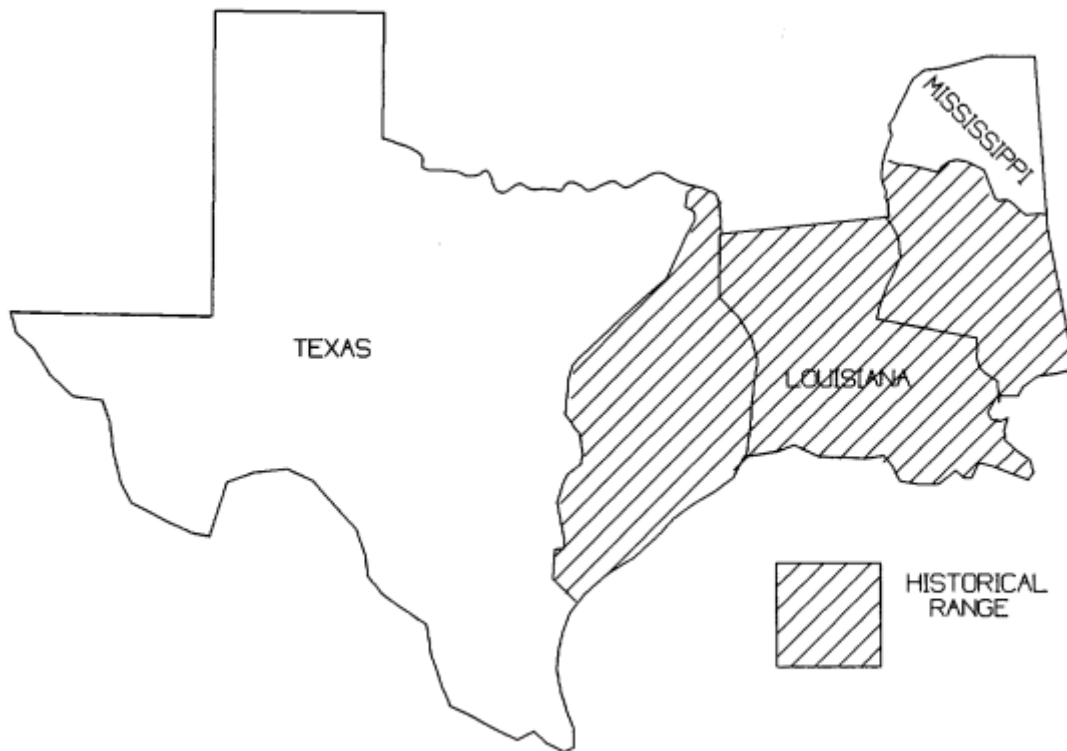
<sup>65</sup> *Id.*

<sup>66</sup> Appendix W at 100-38. *See also* Appendix D at 13126.

sufficient to offset the negative effects of barriers such as roads. Approximately 38 percent of known Louisiana black bear mortalities are the result of road kills (Pace *et al.* 2000, p. 368).<sup>67</sup>

### ***Current and Historic Range***

When listing the bear as threatened in 1992, the Service noted that the historic range of the Louisiana Black Bear included much of eastern Texas, all of Louisiana, and the southern portion of Mississippi.<sup>68</sup> The Service also provided a map of the historic range in its 1995 Recovery Plan that is included below:<sup>69</sup>



**Figure 1 - Historical Range of Louisiana Black Bear**

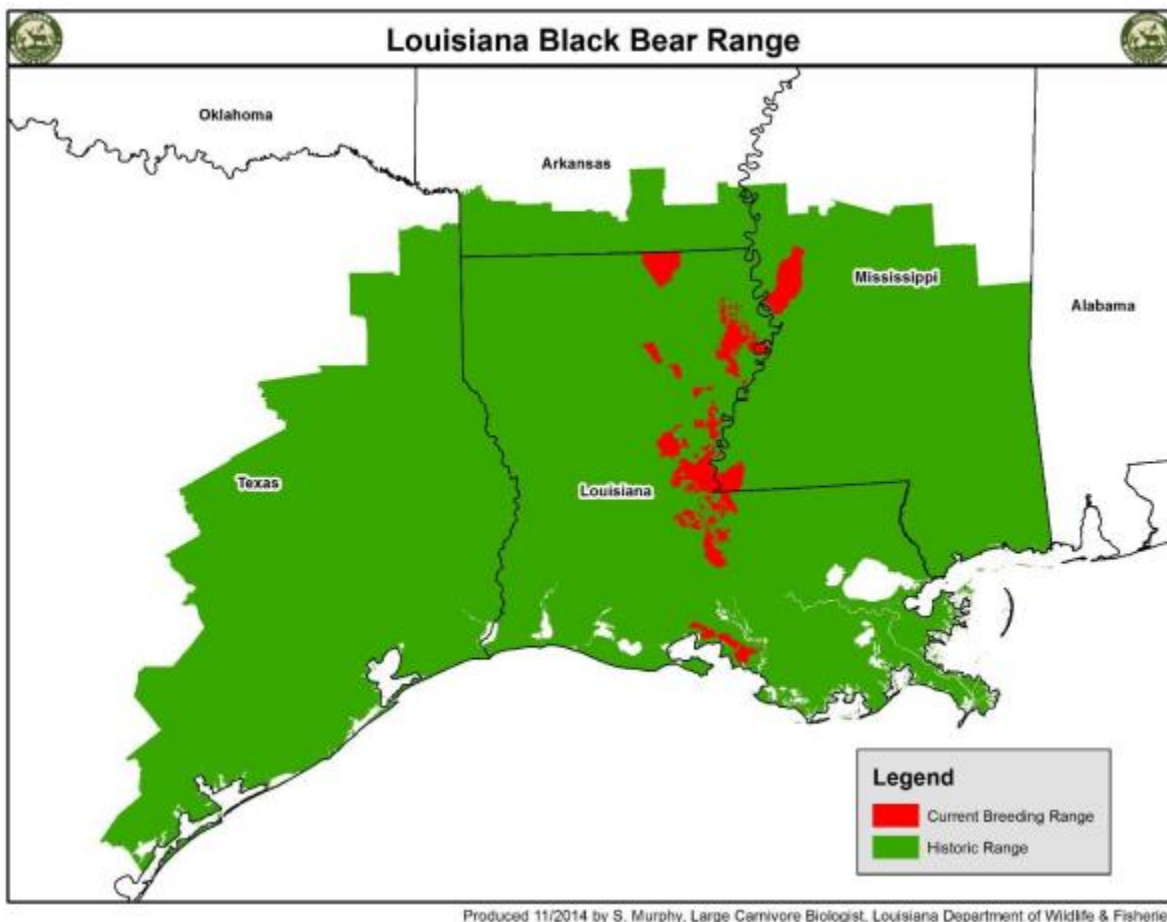
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<sup>67</sup> Appendix C at 74 Fed. Reg. 10364.

<sup>68</sup> Appendix A at 57 Fed. Reg. 588.

<sup>69</sup> Appendix B at 3.

After centuries of habitat destruction and degradation, the Louisiana Black Bear now is confined to a very small portion of its historic range. In LDWF's Black Bear Management Plan, the agency included a map that superimposed the bear's habitat at that time over the historic range, and that map is included below.<sup>70</sup>



Even though a decade has passed since this depiction was produced, neither LDWF nor the Service has shown any increase in this small, fragmented range.<sup>71</sup> Indeed, as will be apparent in the **Threats** section of this petition, suitable habitat is constantly at risk of loss or conversion, and the state agencies are doing little if anything to restore the bear's historic range.

<sup>70</sup> Appendix N at 7.

<sup>71</sup> In the Sixth Post-Delisting Monitoring Report that is available at Appendix K, a table is included at B-5 to show the increase in protected lands from 2016 to 2021. Importantly, there is an increase of 26,575.98 acres, though there is a net loss if you remove the 27,659.67 acres of protected land that was added in the TRB. Thus, while there has been an increase in land for the bear since 2016, the only noticeable gains are all in the same area.

## *Population Status*

There are no up-to-date figures for the black bear population in Louisiana. When proposing to reduce state-level protections and open a hunt for the black bear in December 2024, LDWF stated that “[t]he newest bear population estimate for Louisiana is 1212,” an estimate that included “all age bears (cubs – adults).”<sup>72</sup> To add to this, John Hanks, the leader of LDWF’s Large Carnivore Program and main point of contact for the 2024 bear hunt, claimed in an email that “All [Louisiana Black Bear] populations are stable and/or growing.”<sup>73</sup> LDWF’s population estimate is based on a favorable calculation that used stale data from 2021 and years prior, including an estimated subpopulation of 200 bears in the Lower Atchafalaya River Basin that was based on data from 2013.<sup>74</sup> While this point alone should alarm the Service, there is an additionally worrisome note on this data: Mr. Hanks’ statement about the growth rate for bear populations in Louisiana is not supported by the data itself.

### *I. Louisiana Black Bear subpopulations are not increasing.*

LDWF relied on the final post-delisting monitoring report to claim that all populations of the Louisiana Black Bear “are stable and/or growing,” but the report specifically states otherwise. Indeed, the report stated that the “data depict[ed] generally stable to increasing bear populations in Louisiana, particularly in secondary areas. **The one exception is at UARB, where the core population declined in the later years of this study.**”<sup>75</sup> Looking further, in Clark’s report from the year prior, Clark stated that “At TRB, [apparent survival rate] over the past 5 years was 0.905 (Table 1). The population trajectory for female N was stable to slightly increasing since 2006 ( $\lambda = 1.012$  [95% CI = 0.977–1.046]) and stable to **slightly decreasing over the past 5 years.**”<sup>76</sup> LDWF’s own sources explicitly state that the subpopulations in UARB and TRB are both decreasing in recent years, and this is just one of the many concerns about this data that bring into question whether any of the populations are actually stable and/or growing.

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<sup>72</sup> See Appendix O.

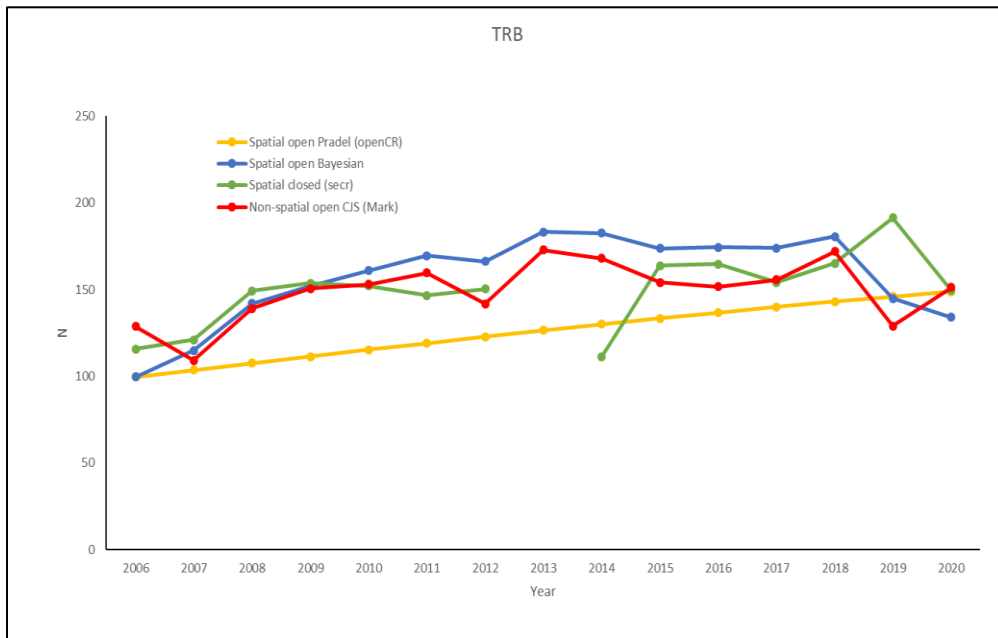
<sup>73</sup> *Id.*

<sup>74</sup> Appendix L at 12.

<sup>75</sup> Appendix L at 13 (emphasis added).

<sup>76</sup> Appendix K at A-2 (emphasis added) (note that Clark also pointed out that the population at UARB “was decreasing at 0.885 . . . over the past 5 years”).

In the report that LDWF relies on to support its claims, the stated “trend at TRB was for an increasing population from 2006 to 2020 at a rate of about 1.9% annually . . . based on the Bayesian model,” which was deemed to be the most reliable model for this calculation.<sup>77</sup> While this low rate of 1.9% annual growth, on its face, shows a growing population, the data itself shows a decreasing population since the 2016 delisting; in fact, every non-linear model on the relevant graph indicates a decreasing population for the Tensas River Basin since the 2016 delisting.<sup>78</sup> Looking further, the latest apparent survival rate and annual growth rate for the TRB population are lower than the 2016 figures as well.<sup>79</sup> The models for the UARB population also show a decreasing population since 2016, and the LARB population has not been monitored enough to create a reliable model. It is hardly reasonable to claim that all populations are stable or growing when the data shows a shrinking and possibly unstable population in the years since delisting.<sup>80</sup> With the population growth rate fluctuating from below the threshold for viability to at the threshold or barely above it, any unnecessary increase in mortality from a premature hunt could push the bear down a path toward extinction.

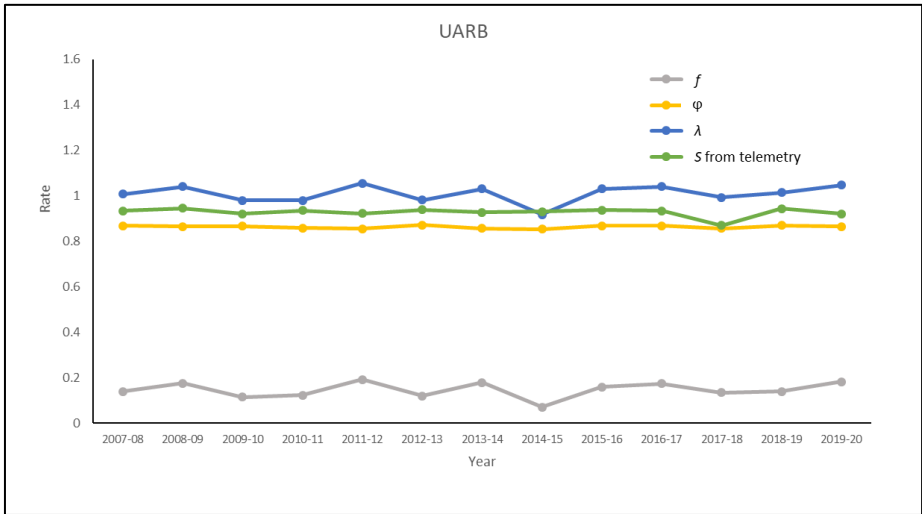
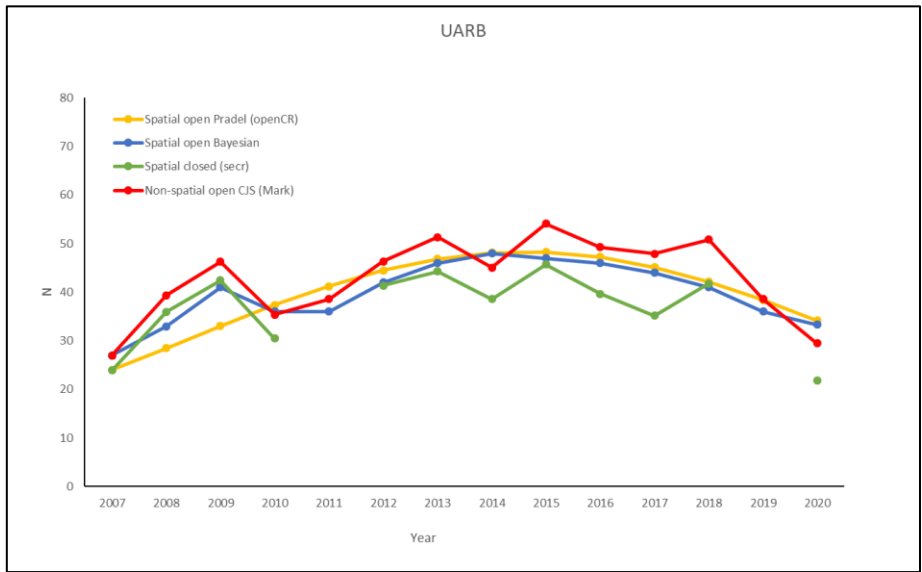
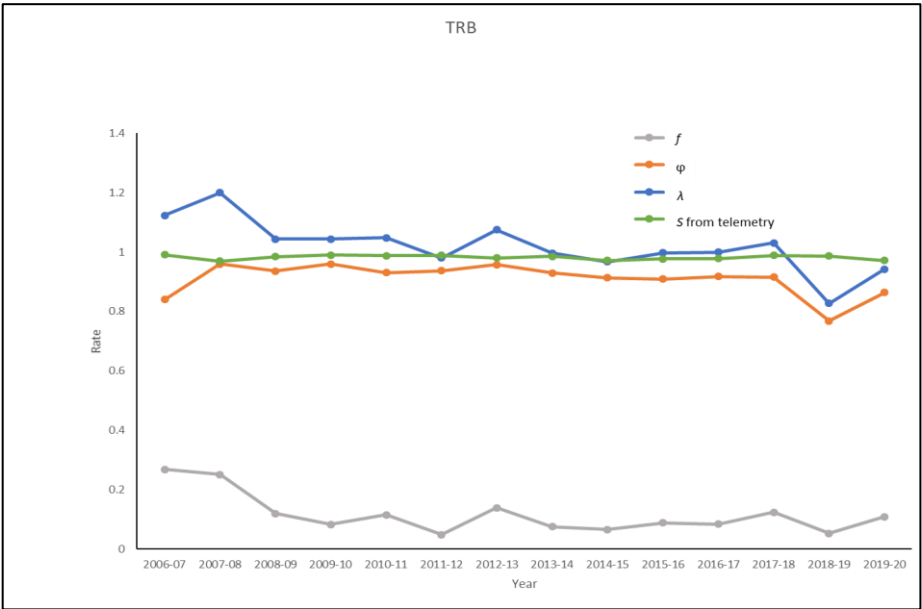


<sup>77</sup> *Id.* at 10.

<sup>78</sup> *Id.* at 27-28 (note that the 2020 population numbers for the Tensas River Basin are lower than the 2015 or 2016 data for three of the four models, and the same is true for the Upper Atchafalaya River Basin population for every model).

<sup>79</sup> *Id.* at 27-31.

<sup>80</sup> The first and third figures below show various projections for the abundance of bears in the TRB and UARB respectively, and the second and fourth figures provide projections for recruitment ( $f$ ), apparent survival rate ( $\phi$ ), population growth rate ( $\lambda$ ), and female survival rate ( $S$ ) in the TRB and UARB respectively. Available at Appendix L at 27-28.



II. *The estimated bear population of 1212 is questionable and not a reliable data point on which to base a hunt.*

In the final post-delisting monitoring report, Clark estimated a total bear population of 1212. To get to this figure, Clark initially compiled various population estimates based specifically on Louisiana Black Bear data; “The estimated non-cub female bear population in the primary zone at TRB over the past 5 years [2016-2020] was 161.6 (95% CI = 143.8–182.4) based on the Bayesian estimator and 102.8 (95% CI = 54.2–202.5) in the secondary zone based on the closed SCR (secr) estimator, for a total of 264.4 females.” “At UARB, the estimated female bear population over the past 5 years [2016-2020] was 40.1 (95% CI = 35.8–45.2) in the primary zone based on the Bayesian estimator and 43.9 (95% CI = 26.0–80.3) in the secondary zone based on the closed SCR (secr) estimator, for a total of 84.0 females.” Clark estimated 40.6 females in the TRC based on data from 2014-2020, and Clark used a 2013 estimate of 77 female bears in the LARB.<sup>81</sup>

When providing this population monitoring data, Clark highlighted the unreliability of some of the information. Specifically, the relative standard error (RSE) “was high (0.350 and 0.413) in the secondary zone [of the TRB] under all scenarios,” and “[i]n the secondary zone at UARB, the RSA was again high (0.300 to 0.323) under all scenarios.”<sup>82</sup> At TRC, “[t]he mean RSE was high at 0.446.”<sup>83</sup> This level of unreliability is very concerning, to the point that many groups and governmental entities would decline to rely on such data.<sup>84</sup>

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<sup>81</sup> See Appendix L at 10 for all figures cited in this paragraph.

<sup>82</sup> *Id.* at 12-14.

<sup>83</sup> *Id.*

<sup>84</sup> See Australian Bureau of Statistics, *Confidentiality and relative standard error* (November 19, 2021) (“Estimates with RSEs of 25% or more are not considered reliable for most purposes.”). Available at <https://www.abs.gov.au/statistics/microdata-tablebuilder/tablebuilder/confidentiality-and-relative-standard-error>. See also Official Statistics Portal, *Relative standard errors and confidence intervals of statistical estimates*, Labor Market in Lithuania (2021) (“estimates are considered accurate if their relative standard error does not exceed 8 percent. When the relative standard error is from 8 to 30 percent, the estimates are considered satisfactory; when it exceeds 30 percent – not sufficiently accurate.”). Available at <https://osp.stat.gov.lt/en/darbo-rinka-lietuvoje-2021/metodine-informacija/statistiniu-iverciu-santykinis-standartines-paklaidos-ir-pasikliautinieji-intervalai#>. See also New Mexico Department of Health, *Reliability and Validity*, New Mexico’s Indicator-Based Information System (last updated March 2, 2022) (“A rate associated with an RSE of 0.30 (the standard error is 30% as large as the estimate) is deemed by most public health epidemiologists as too unstable to report.”). Available at <https://ibis.doh.nm.gov/resource/ReliabilityValidity.html>. See also Agency for Healthcare Research and Quality, *Precision Standards Guidelines for Reporting MEPS-HC Descriptive Statistics*, Department of Health and Human Services (visited October 9, 2024) (“ $.30 \leq RSE \leq .50$ : Estimate can be reported but flagged with an \* to indicate that its precision is questionable.”). Available at [https://meps.ahrq.gov/survey\\_comp/precision\\_guidelines.shtml#:~:text=Relative%20Standard%20Error%20\(RSE%20%3D%20SE%2FEstimate\)&text=30%20%E2%89%A4%20RSE%20%E2%89%A4%20..can%20be%20reported%20with%20no%20\\*](https://meps.ahrq.gov/survey_comp/precision_guidelines.shtml#:~:text=Relative%20Standard%20Error%20(RSE%20%3D%20SE%2FEstimate)&text=30%20%E2%89%A4%20RSE%20%E2%89%A4%20..can%20be%20reported%20with%20no%20*).

After gathering data from various sources by various methods to estimate the female bear population in Louisiana, Clark made the following calculations:

*Total.*—Assuming similar population vital rates in Louisiana to other non-harvested black bear populations in the Southeast, the ratio of females to males would be about 0.54 and the proportion of the population comprised of cubs would be 0.28 (Humm and Clark 2020). Based on those assumptions, the estimated population over the previous 5 years at TRB was 687.8, which would comprise all age and sex classes. At UARB a similar calculation would produce a total population estimate of 218.5 and at TRC, total *N* would be 105.6. Based on the 2013 estimate at LARB, about 200.3 bears would be in that population for a grand total of 1,212.3 bears in Louisiana, including adult males and cubs, and excluding bears that may reside at UORB or elsewhere in the state. These estimates are approximations because the age and sex distributions of bears in Louisiana may differ from those estimated by Humm and Clark (2020).<sup>85</sup>

LDWF is basing its 2024 bear hunt on estimated population data from 2013-2020 that was plugged into a formula based on trends from non-Louisiana bear populations that are assumed to reliably translate to the Louisiana Black Bear. Moreover, Clark utilized models with RSEs above 30 percent to estimate the non-cub female bear populations for the secondary zone at TRB, the secondary zone at UARB, and the entire TRC.<sup>86</sup> Adding up the individual figures, the population models with RSEs above 30 percent account for 186.5 individuals out of an estimated 428 non-cub female bears.<sup>87</sup> This means that the data for just under 44 percent of the Louisiana Black Bear population was gathered using models with RSEs beyond the threshold of unreliability established by most organizations that publish statistics and figures.<sup>88</sup> Clearly, the data upon which LDWF relies to justify this hunt is outdated and less reliable than desired, arguably not being reliable at all. Based on this and the downward trend for each bear population since the 2016 delisting, the estimate of 1212 bears is quite possibly an overestimate, and a hunt based on this number could cause irreparable harm to the continued viability of the Louisiana Black Bear.

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<sup>85</sup> Appendix L at 12.

<sup>86</sup> *Id.* at 10.

<sup>87</sup> *Id.*

<sup>88</sup> See Note 30.

III. *The bear populations in Louisiana are not stable.*

“Laufenberg et al. (2017) found that the likelihood of black bear population persistence in the Upper Atchafalaya River (UARB) and Tensas River Basin (TRB) was >95% for 100 years if apparent survival rates ( $\phi$ ) for adult females from capture-mark-recapture (CMR) averaged over 5 years was >0.90.”<sup>89</sup> In the sixth post-delisting monitoring report, Clark noted that the “population trajectory for female [bears at TRB] was . . . stable to slightly decreasing over the past 5 years [2016-2020],” and Clark determined that the apparent survival rates for adult females at TRB from 2016-2020 was 0.905, barely above the threshold for viability.<sup>90</sup> Notably, this figure was 0.936 at TRB in the first post-delisting monitoring report;<sup>91</sup> 0.928 in the second report;<sup>92</sup> 0.910 or 0.926 for the third report depending on the model;<sup>93</sup> 0.903 for the fourth report;<sup>94</sup> either 0.889, 0.909, or 0.913 in the fifth report depending on the model;<sup>95</sup> and the final two reports were based on the same data showing an apparent survival rate of 0.905.<sup>96</sup>

From a cursory glance at these data points, the apparent survival rates that were calculated in the first three reports are inarguably higher than those calculated in the later reports. Considering this downward trend in apparent survival rates, it is significant that LDWF has declined to produce any new figures to show whether the survival rate has stayed above the 0.90 threshold that was barely met in the final two monitoring reports. Looking further at the final report, the apparent survival rates at TRB for 2018 and 2019 were 0.768 and 0.864 respectively, well below the 0.90 threshold.<sup>97</sup> This is troublesome because LDWF’s Black Bear Management Plan stated in 2015 that any prospective harvests “would be altered annually to reflect the previous year’s subpopulation dynamics,” assuring that “*[a]t no time would harvests be allowed if existing data and simulated population dynamics models indicate harvest could potentially compromise Louisiana black bear sustainability.*”<sup>98</sup> If LDWF promised to alter the hunt based on data from the year prior, and to not go forward with a hunt that would threaten sustainability, it seems only

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<sup>89</sup> Appendix K at A-1.

<sup>90</sup> *Id.* at A-2.

<sup>91</sup> Appendix F at 5.

<sup>92</sup> Appendix G at 2.

<sup>93</sup> Appendix H at 2.

<sup>94</sup> Appendix I at 3.

<sup>95</sup> Appendix J at A-2.

<sup>96</sup> Appendix K at A-2 & A-7, and Appendix L at 2. *See also* Appendix P (email exchange between LDWF and the Service that includes LDWF’s admission that post-delisting monitoring ended prior to the conclusion of the mandated seven year monitoring period).

<sup>97</sup> Appendix L at 31.

<sup>98</sup> Appendix N at 55.

fitting that an initial hunt would not be approved without data showing that said hunt would not jeopardize the bear from each year leading up to the hunt.

Since the bear was delisted, the mortality rate has increased, the apparent survival rate has decreased, and up-to-date population data has not been produced. The population at LARB has not been effectively studied since 2013, and the other populations do not have population models from the past three years.<sup>99</sup> Claiming that “[a]ll [Louisiana Black Bear] populations are stable and/or growing” is a dangerous falsehood that, if used to justify a hunt, threatens the bear and its continued viability in its historic and current range.<sup>100</sup>

### **Threats**

The Louisiana Black Bear qualifies for threatened or endangered status and the subsequent protections that come with such a status because the bear is out of stewards. After removing federal protections for the bear in 2016, the Service left LDWF in charge of protecting *luteolus* and ensuring the longevity of the bear into the next century. LDWF has not picked up that mantle, and LDWF does not appear to have the bear’s best interest in mind; in fact, the agency’s Director of Species Management and Research, Scott Durham, once off-handedly joked that the best bear safety tactic is to “have a 12 gauge with an extended magazine tube loaded with 00 buckshot and slugs in your hand pointed in a safe direction.”<sup>101</sup> In any setting, this mindset seems to directly conflict with the mission of saving the Louisiana Black Bear and restoring its habitat. As will be made apparent, this seems to be in line with a pattern of governmental apathy toward the bear that has put the bear back onto a course toward extinction. The Service must take action to reinstate federal protections and once again act as a steward for the bear.

### ***Overutilization for Commercial and Recreational Purposes***

The most immediate and tangible threat to the continued viability of the bear population in Louisiana is the authorized harvest set to take place this December. The planned hunt showcases the state government’s intention to put the interests of a few private individuals over the needs of the Louisiana Black Bear and the rights of most all other hunters in the state.

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<sup>99</sup> The models used in the final published report end in 2020 or 2021. See Appendix L.

<sup>100</sup> This quote is from an email (Appendix O) sent by John Hanks, Manager of LDWF’s Carnivore Program. See Page 20 for discussion of population status and the falsity of this statement.

<sup>101</sup> Email chain available at Appendix LL.

I. *The hunt is based on data and documents that are years, almost decades out of date.*

Just before this Post-Delisting Monitoring began, LDWF put together a management plan for the continued conservation and protection of the bear.<sup>102</sup> In that plan and other documents from this time, LDWF mentioned the possibility of a future harvest, but the agency assured that no harvest would occur “*if existing data and simulated population dynamics models indicate harvest could potentially compromise Louisiana black bear sustainability.*”<sup>103</sup> And LDWF emphasized in this plan that harvests “would be altered annually to reflect the previous year’s subpopulation dynamics,” with each year’s hunting regulations “accounting for the **prior year’s mortality rates.**”<sup>104</sup> If a sustainable bear harvest requires hunting regulations to be updated annually based on the prior year’s population data, it stands to reason that the initial hunt must also be based on data that is just as recent. As of now though, it appears that LDWF is utilizing data that is at least three years old to guide the regulations for this year’s bear hunt.<sup>105</sup>

But it is not just LDWF’s data that is outdated. In April of 2022, when LDWF was working to establish guidelines for a future hunt, the agency was asked if its Black Bear Management Plan had ever been updated; an LDWF official responded, admitting that “**[the Louisiana Black Bear Management Plan] has not been updated to my knowledge. I know that needs to be on our list.**”<sup>106</sup> Unsurprisingly, no updated plan has ever been published, and the 2015 plan is still the only plan provided on LDWF’s website.<sup>107</sup>

LDWF’s reliance on data that is at least three years old to guide a hunt based on a management plan that is almost a decade old should concern the Service and anyone interested in the preservation of the black bear. Indeed, in the final Post-Delisting Monitoring Report, LDWF was warned that “[t]he potential for overharvesting small, isolated bear populations is high,” “and annual variation in flooding and food availability make harvests difficult to predict and manage.”<sup>108</sup> This warning essentially aligns with LDWF’s understanding that bear hunt

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<sup>102</sup> Appendix N.

<sup>103</sup> *Id.* at 55.

<sup>104</sup> *Id.* at 55-56 (emphasis added).

<sup>105</sup> The previous section of this petition on Population Status provides a more elaborate discussion on the inadequacy of LDWF’s current data on the black bear. Specific to this point, LDWF’s population data that has been promoted to support this hunt all appears in the final two Post-Delisting Monitoring reports that utilized data from 2021 and before. *See* Appendix K, Appendix L, and Appendix O.

<sup>106</sup> Appendix HH.

<sup>107</sup> *See* <https://www.wlf.louisiana.gov/subhome/louisiana-black-bear> (Management Plan from 2015 is linked near the bottom of the page).

<sup>108</sup> Appendix L at 13.

regulations need to be “altered annually” to be sustainable.<sup>109</sup> According to LDWF’s management plan and the cautionary statements included in final post-delisting monitoring report for the bear, it is hardly reasonable to use years old data to support a hunt for this coming December, and the Service must step in before this threat becomes a reality.

*II. Allowing baiting will only increase the alleged nuisance bear problem.*

This hunt is worrisome because of the lack of current data on the limited bear population in Louisiana, and LDWF’s guidelines and regulations for the hunt raise additional concerns. One rather serious concern comes from LDWF’s provision that allows baiting. In the initial Notice of Intent that LDWF published in November, the agency stated that “Hunting over specified unprocessed bait, specified processed bait, and the use of a scent lure is allowed.”<sup>110</sup> LDWF then clarified that “[s]pecific processed bait is defined as any baked or cooked product legal for baiting bears. Legal processed baits are **donuts and like pastries (e.g. cinnamon rolls, honey buns, muffins)**,” though “chocolate is prohibited as bait or scent.”<sup>111</sup>

When producing its Amended Notice of Intent in April, LDWF kept the prohibition on chocolate and added a prohibition for sweet potatoes, but the agency notably removed any mention of specific legal bait, instead indicating that a list of approved baits would be provided to hunters at a later date.<sup>112</sup> Indeed, the finalized regulations read as follows:

Baiting and scent attractants: Baiting is allowed two weeks prior to season opening to the day the season closes. Hunting over raw or processed bait and the use of a scent lure is allowed. No person shall use raw sweet potatoes or chocolate as bait or scent. The use of salt, grain or other feed that could serve as an attractant to deer is prohibited in CWD Control Areas. The department shall provide a list of approved baits to each successful applicant at the bear hunting training course.<sup>113</sup>

By removing any mention of donuts, cinnamon rolls, and like pastries from the final rule without prohibiting them, LDWF seemingly is attempting to fool the public into believing that these human-foods will not be used, but those baits still may be included in the list that is only

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<sup>109</sup> Appendix N at 55.

<sup>110</sup> Appendix MM at pages 3-4.

<sup>111</sup> *Id.* (emphasis added).

<sup>112</sup> Appendix NN at page 4.

<sup>113</sup> Appendix M at 1013.

provided to hunters. If hunters are permitted to bait bears with processed sweets and pastries, there is a chance that dozens or hundreds of bears develop an addiction to human food because of this year’s scheduled harvest, greatly increasing the chance of nuisance bears and human-bear incidences that will fuel anti-bear sentiments throughout the state—a big win for those who oppose protecting the bear.

This hunt has been characterized as based on science and meant to curtail the nuisance bear population, with officials claiming that the bear population is unsustainably large at this point. If that is the case, where bears are encroaching into human areas and are far too populous in certain areas, one may question why baiting is necessary.

Moreover, baiting is set to be allowed two weeks prior to the beginning of the hunting season, which means that hunters can attempt to lure bears to certain areas beginning in late November. This is specifically concerning when reading LDWF’s Black Bear Management Plan that points out “Louisiana black bears enter dens between November and early January,” with “some male bears [remaining] active throughout the winter” if “natural foods are available.”<sup>114</sup> For a hunt that is allegedly meant to curtail an overactive bear population, Louisiana is allowing hunters to bait bears that are just about to enter their dens for the winter, possibly convincing some male bears that food will be available for them if they remain outside of their dens. This adds another reason why the Service must step in to prevent irreparable harm to the bear population.

*III. LDWF’s lottery system hides the ball from the public and privatizes the black bear to serve wealthy landowners’ interests.*

Beyond the actual hunting of the black bear, Louisiana’s authorized harvest for this December is unacceptable because of the way in which the tag lottery has been carried out.

Beginning with the initial proposed hunt, LDWF released a notice of proposed hunting regulations for the public to comment on in November of 2023.<sup>115</sup> After the comment deadline, LDWF released an amended notice of proposed regulations, assumedly opening up for more public comments.<sup>116</sup> Then, after the legislature amended multiple statutes to authorize a hunt

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<sup>114</sup> Appendix N at 10-11.

<sup>115</sup> LDWF, *Notice of Intent: Bear Hunting Areas, Seasons, Rules, and Bag Limits*, LAC 76:XIX.109 (November 2023). Available at Appendix MM.

<sup>116</sup> LDWF, *Amended Notice of Intent: Bear Hunting Areas, Seasons, Rules, and Bag Limits*, LAC 76:XIX.109 (April 2024). Available at Appendix NN.

funded by conservation dollars, LDWF finalized its hunting regulations in June of 2024, notably with no change from the April regulations.<sup>117</sup> LDWF never provided responses to comments, and the regulations are essentially as they were discussed in meetings in November 2023. LDWF's regulations never actually included a number of tags to be issued, nor did LDWF release population data with its notices.<sup>118</sup> The public was expected to provide comments without knowing many important details about the hunt on which they were commenting.

After leaving the public in the dark for months, LDWF began allowing bona fide residents to purchase licenses to hunt the bear on August 1<sup>st</sup>, though no press release was issued until a few days before the lottery opened on August 29<sup>th</sup>.<sup>119</sup> In the notice about the lottery, LDWF finally provided official clarification that 10 tags would be issued, though LDWF still did not clarify how many of each tag would be issued.<sup>120</sup> LDWF also confirms in its posting that landowners are permitted to sell their tags if they are successful in the lottery, though the other tags are not available to be sold.<sup>121</sup>

Finally, after the lottery closed, LDWF published a press release celebrating 973 lottery tickets being sold, but the agency *still* refused to say how many of tags were issued of each kind.<sup>122</sup> It is only through local news reporting or individual inquiry that a resident is able to understand that eight of the ten tags were given to private landowners.<sup>123</sup> While LDWF has been inconsistent in updating its website on the black bear and providing accurate information to the public about the hunt in a timely manner, the agency has happily worked overtime to provide landowners with the tools to exploit the bear for sport and profit. Without the Service observing their conservation tactics, Louisiana cannot be trusted to protect the bear or its people.

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<sup>117</sup> Appendix M.

<sup>118</sup> The absence of a tag limit in the regulations also leaves a concerning amount of leeway for LDWF to unreasonable increase the harvest target each year without needing to seek further public comment.

<sup>119</sup> Trey Iles, *Press Release: Louisiana Black Bear Hunting Lottery to Open Aug. 29, LDWF Announces*, LDWF (August 26, 2024). <https://www.wlf.louisiana.gov/news/louisiana-black-bear-hunting-lottery-to-open-aug-29-ldwf-announces>. Available at Appendix OO.

<sup>120</sup> *Id.*

<sup>121</sup> *Id.*

<sup>122</sup> Trey Iles, *LDWF Black Bear Hunting Lottery Process Successfully Finishes with 973 Applications*, LDWF (October 9, 2024). <https://www.wlf.louisiana.gov/news/ldwf-black-bear-hunting-lottery-process-successfully-finishes-with-973-applications>. Available at Appendix QQ.

<sup>123</sup> Britt Lofaso, *First black bear hunting season in Louisiana since 1987 to start in December*, WGNO (October 5, 2024). <https://wgno.com/news/louisiana/first-black-bear-hunting-season-in-louisiana-since-1987-to-start-in-december/?nxsparam=3>. Available at Appendix PP.

### ***Loss and Degradation of Habitat***

The Service justified delisting based in part on the increase in suitable bear habitat that occurred after 1992. In fact, suitable habitat increased by more than 500 percent from 1992 to 2016, amounting to more than 1,800,000 acres at the time of delisting. This calculation, by itself, might seem positive, but this number quickly seems insignificant when compared to the over 76 million acres that existed when the bear population was thriving.<sup>124</sup>

Not only does the current range of suitable habitat for black bears in Louisiana pale in comparison to the historic range, but the current picture is inaccurate for numerous reasons. First, as is illustrated in the following section on the *Inadequacy of Existing Regulatory Mechanisms*, Louisiana has not prioritized habitat restoration for the black bear. It is discussed in further detail below, but LDWF refused to utilize money from the Black Bear Fund to build a corridor, restore habitat, or provide any bit of protection for the bear's habitat. Instead, Louisiana sat on the money until the legislature changed the law to allow the funds to be used for hunting and non-habitat management of the bear. With the lead agency in the state declining to act as it should, it is illogical to assume that the bear's habitat will be adequately protected through voluntary agreements with landowners or any form of protections that are not federally enforced.

Additionally, a corridor was never created for the bear populations. In the original recovery plan, the Service determined that a corridor must be created to allow for the bear populations in the state to interact and reproduce.<sup>125</sup> When delisting the bear, the Service noted that a corridor had never been created, but the Service determined that the satellite population that was established at TRC was a sufficient substitute for a corridor.<sup>126</sup> Though the Service was not legally bound to fulfill the goals of the recovery plan before removing the bear from the Endangered Species List, it was short-sighted to conclude that a satellite population eliminated the need for a corridor. Indeed, LDWF could have worked to create safe travel corridors for the bear in addition to the satellite population, but the agency instead chose to avoid the work. Since delisting, roadkill deaths have been steadily rising for bears throughout the state, with the isolated coastal population suffering the most.<sup>127</sup> By not establishing any corridor for the coastal bears to travel

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<sup>124</sup> Appendix II.

<sup>125</sup> Appendix B at Executive Summary.

<sup>126</sup> Appendix D at 81 Fed. Reg. 13129.

<sup>127</sup> Appendix L at 29-30.

across Highway 90, the Service and Louisiana have all but ensured that the population remains isolated and continues to be subject to increased roadkill deaths.

Finally, the Louisiana Black Bear is threatened by present and future development that risks destroying the ecosystems within the bear habitat, therein threatening the bear population itself. As noted in the 1995 recovery plan, “[t]he most important natural factor regulating black bear populations appears to be variation in food supply and its effect on physiological status and reproduction.”<sup>128</sup> As is outlined below when discussing regulatory failures, agencies in Louisiana consistently approve projects that fill in the Atchafalaya Basin with sediment, which substantially increases the risk of flooding, kills many of the organisms within the Basin that the bear feeds on, and destroys any bit of seclusion and remoteness provided by the bear’s habitat. If the Service does not reinstate federal protections for the bear and its habitat, irreparable harm to the bear population and the population’s habitat will undoubtedly occur in the foreseeable future.

### ***Inadequacy of Existing Regulatory Mechanisms***

In addition to the reasons above, the Louisiana Black Bear is threatened because certain officials tasked with protecting wildlife have systematically worked to privatize the Louisiana Black Bear by removing protections at all levels. Those in power have willfully refused to restore the bear’s habitat or follow protocol designed to ensure the long-term viability of the bear population. In the years immediately leading up to the 2016 Delisting, then-Secretary Robert Barham from the LDWF publicly expressed a desire to hunt the bear.<sup>129</sup> After this want was made clear, officials from LDWF and the Service began to have more “closed door” style meetings that did not include stakeholders, such as the Louisiana Black Bear Conservation Coalition (BBCC), who had been working with the agencies for decades to protect the bear.<sup>130</sup> Indeed, the BBCC was essentially forced into nonexistence because of the political agenda to hunt the bear.<sup>131</sup> Since this process began, though, LDWF has barely attempted to conceal its motives.

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<sup>128</sup> Appendix B at 8.

<sup>129</sup> Paul Davidson, *Comments on Proposed De-listing of the Louisiana Black Bear*, Provided to the U.S. Fish and Wildlife Service (2015). Available at Appendix X. *See also* Paul Davidson, *Comments at Public Hearing* (2015). Available at Appendix Y. *See also* Amy Wold, *Some call for state bear hunting season as numbers increase*, *The Advocate* (August 18, 2014). Available at Appendix Z. *See also* Appendix AA and Appendix BB (both documents are comments submitted to the Service in response to the proposed delisting of the Louisiana Black Bear in 2015).

<sup>130</sup> *See* Appendix X and Appendix Y.

<sup>131</sup> *Id.*

When federal protections for bears in Louisiana were set to be removed, the Service and LDWF collectively created the Post-Delisting Monitoring Plan for the Louisiana Black Bear.<sup>132</sup> This is a standard process whenever any animal is removed from federal protection, and the agreement is reached between the state and the Service.<sup>133</sup> For the Louisiana Black Bear, the parties agreed on seven years of monitoring.<sup>134</sup> In spite of this agreement, LDWF “**decided to end the [post-delisting] monitoring” in 2021** because LDWF thought “it seemed to satisfy more than enough of what is required, although a year or so short of 7,” and the agency has not publicly released data on the bear for any year since that decision.<sup>135</sup>

While this brazen decision to ignore an agreement between the federal government and a state agency should shock most people, this is commonplace in Louisiana. Indeed, the Louisiana Black Bear is threatened because the state is not being held accountable for its conservation failures, the state and federal governments have failed to utilize conservation funds for the betterment of the bear, and the agencies have failed to properly enforce environmental easements that were put in place to protect the bear’s habitat. Even when critical habitat protections were in place, the federal permitting process failed to adequately protect black bear habitat because mandatory consultations often did not occur, and the federal regulatory scheme has been an especially ineffective means of protecting habitat since the bear was delisted. If *luteolus* is to survive, the Service must reinstate federal protections, and those protections must be enforced.

*I. Louisiana removed the state-level protections discussed in the Delisting Rule, and LDWF has declined to use its funds to restore or protect habitat.*

In the 2016 Delisting, the Service explained that delisting would not result in a lack of adequate regulatory safeguards because “Louisiana black bears will remain protected from take by State laws throughout its historic range (Louisiana: Title 56, Chapter 8, Part IV. Threatened or Endangered Species; Mississippi: Title 49, Chapter 5-Fish, Game and Bird Protections and Refuges, Nongame Endangered Species Conservation; Texas: Title 5. Wildlife and Plant

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<sup>132</sup> U.S. Fish and Wildlife Service, *Post-Delisting Monitoring Plan for the Louisiana Black Bear (Ursus americanus luteolus)* (December 2016). Available at Appendix FF. *See also* Appendix GG (This document includes LDWF’s suggested edits to the Post-Delisting Monitoring Plan, showing the collaborative nature of the agreement).

<sup>133</sup> U.S. Fish and Wildlife Service and National Marine Fisheries Service, *Post-Delisting Monitoring Plan Guidance Under the Endangered Species Act* (August 2008). Available at Appendix EE.

<sup>134</sup> U.S. Fish and Wildlife Service, Louisiana Department of Wildlife and Fisheries, et al., *Post-Delisting Monitoring Calendar with Agency Responsibilities* (2015). Available at Appendix DD.

<sup>135</sup> Appendix P. *See also* Appendix CC (email from the Service reminding LDWF that the agency indeed agreed to a seven-year post-delisting timeline).

Conservation, Subtitle B. Hunting and Fishing, Chapter 68. Endangered Species).”<sup>136</sup> In Louisiana, these protections have been removed, and the bear is not believed to be breeding in any state where protections would exist.<sup>137</sup>

Even if state-level protections still existed at the level contemplated by the Service, LDWF cannot be trusted to act in the bear’s best interest when the agency is the sole actor. As mentioned already, LDWF officials have a track record of mismanagement and a willingness to crassly suggest that killing a bear is the best form of bear safety tactics. Beyond offhanded comments though, LDWF has proven itself untrustworthy by failing to utilize hundreds of thousands of dollars that citizens provided for black bear habitat conservation.

Around the time when the Louisiana Black Bear was added to the Endangered Species List, the State of Louisiana passed a bill to create the Black Bear Prestige License Plate.<sup>138</sup> This novelty plate would cost the citizen 26 dollars, and that payment would be placed in a black bear fund to be “used solely for the purposes of conserving, restoring, and enhancing black bear habitat in Louisiana.”<sup>139</sup> The bill contained an additional provision that ensured “funds raised from the license plate shall be used solely for nongame purposes.”<sup>140</sup>

While this plate received positive press and is advertised on the LDWF website still, there are few if any stories about the funds from this account being used to restore habitat. Indeed, in 2023, LDWF officials internally noted that the agency had “only spent \$15,646.05 from the \$205,000 in budget authority from the Black Bear Fund.”<sup>141</sup> This was in an email thread attempting to find the best way to pay a bill from the Service related to one of the post-delisting monitoring reports for the black bear. LDWF even stated in these emails that “the only thing [LDWF] ha[d] charged to [the Black Bear Fund] ha[d] been some forestry work.”<sup>142</sup> The citizens of Louisiana provided hundreds of thousands of dollars to preserve the bear’s habitat, and the sole agency responsible for protecting the bear sat on this money.

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<sup>136</sup> Appendix D.

<sup>137</sup> Riser, et al., *Louisiana House Bill No. 684* (June 18, 2024). Available at Appendix JJ.

<sup>138</sup> The original legislation to approve of the license plate is unable to be located, but the bill’s author, Foster Campbell, personally notes that the plate was created in 1995. See <https://www.fostercampbell.com/louisiana-black-bear-1/>.

<sup>139</sup> The original bill cannot be located, but Louisiana amended the law with House Bill 684 that was passed in June of 2024. That bill is available at Appendix JJ, and the bill clearly shows the original text being modified.

<sup>140</sup> Appendix JJ at Page 2 of the document (striking out this requirement in the amended bill).

<sup>141</sup> Email thread available at Appendix KK.

<sup>142</sup> *Id.*

To make matters worse, shortly after this failed attempt to use Black Bear Fund money for non-habitat preserving purposes, the Louisiana legislature amended the stipulations placed on Black Bear Fund expenditures in the same bill that authorized a hunt for the bear.<sup>143</sup> The bill now reads that “funds in this account shall be used solely for the purpose of managing, conserving, restoring, and enhancing black bear in Louisiana.” The legislature also removed the provision that required the funds be used for non-game purposes.<sup>144</sup> Now, with “managing” being a proper use of funds and no mention of habitat, LDWF can use these funds to pay for anything related to hunting the bear. The State of Louisiana performed a bait-and-switch on citizens who thought they were protecting bear habitat, now using their funds to threaten a small bear population.

*II. The Army Corps and Louisiana state agencies have a long history of inadequate enforcement that has led to permanent loss of black bear habitat and will destroy the ecosystems of Louisiana without increased protections.*

The previous sections and subsections of this petition detail the corruption, apathy, and untrustworthy behavior of state and federal regulatory agencies in Louisiana. While the landowners and corporations within the state are able to express their needs and wants to officials who listen to their voices, the black bear unfortunately cannot do the same. Rather, public interest groups, like Basinkeeper, are forced to act as citizen regulators, carrying out the functions of agencies that persistently refuse to protect the state’s natural resources.

In 2012, a company built a mansion and a large barn, in addition to some other buildings and roads, on land that was protected by environmental easements and located on what was then-designated as critical habitat for the Louisiana Black Bear. Roads and huge clearings fragmented bear habitat. Despite clear, documented prohibitions to this sort of development, the Army Corps and relevant state agencies refused to enforce any easement conditions or engage in any action to protect the bear’s habitat that was actively being destroyed.<sup>145</sup> With lesser protections existing today, the likelihood of similar development in the future is undoubtedly high.

In 2017, Enterprise Oil violated permit conditions when constructing a pipeline through an area of the Basin that was once inhabited by *luteolus*; the Corps failed to take any enforcement action,

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<sup>143</sup> Appendix JJ.

<sup>144</sup> *Id.*

<sup>145</sup> Pictures of the development and the easement documents are available at Appendix SS.

and the violations were not corrected until Basinkeeper sent multiple notices of intent to sue the company.<sup>146</sup> Even when citizens are assisting with monitoring, the Corps has shown an inability or unwillingness to hold violators accountable. With the Service completely out of the picture in the Basin at this point, the violators are more empowered than ever to degrade the environment and the food supply of the bear.

In 2018, the Corps permitted the construction of the Bayou Bridge Pipeline in an area that was once viable and utilized *luteolus* habitat. Again, the construction of this pipeline violated permit conditions and impacted surrounding wetlands and wildlife habitat. The Corps did not conduct a timely inspection of the well-documented violations to which they were notified, allowing for irreparable damage to occur.<sup>147</sup>

While the damage is felt each time the Corps fails to protect the environment from unpermitted discharges and construction, the greatest regulatory harm is done when the Corps routinely issues after-the-fact permits to violators. One disastrous instance of this recently occurred when an illegal, unpermitted dam was constructed near Pat's Throat Bayou, blocking navigation for thousands of acres of wetlands. After being alerted to this violation, the Corps issued an after-the-fact permit to the violator, leaving the destructive dam in place. Since this action, the dam has remained in place, causing bayous to fill in and block navigation for fishermen and others.<sup>148</sup>

### ***Other Natural and Manmade Factors Affecting Survival***

Under the surface of each threat to the bear population in Louisiana is one connecting thread: the privatization of the bear. As any other natural resource, *luteolus* is part of the Public Trust, which demands that natural resources, including wildlife, “shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people.”<sup>149</sup>

While hunting is not contrary to the Public Trust Doctrine in Louisiana generally, the Doctrine impliedly does not allow for a hunt to occur that would infringe on another citizen's ability to hunt in the future. Looking at this hunt, Louisiana has not provided the data to show that hunting ten bears in the Tensas River Basin will not jeopardize the viability of the black bear population

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<sup>146</sup> Relevant documents available at Appendix TT.

<sup>147</sup> Documentation available at Appendix UU.

<sup>148</sup> Information regarding this ongoing action can be located at <https://www.basinkeeper.org/pats-throat>.

<sup>149</sup> Louisiana Constitution, Article IX §1.

as it exists today. Moreover, Louisiana's policy of issuing 80 percent of the tags to landowners with at least 40 acres of land in the area appears contrary to the idea that the bear is for "the people." Rather, Louisiana is setting a precedent by privatizing the hunting of wildlife that is part of the Public Trust, allowing the right to hunt a bear to be sold to the highest bidder by a successful landowner tag recipient, and the government is funding that hunting with the public's money that was meant to save the bear and restore its habitat.

## **Conclusion**


Louisiana nearly hunted *luteolus* to extinction in the 19<sup>th</sup> and early 20<sup>th</sup> centuries. Rather than curtail hunting, the state mitigated population loss by importing bears from Minnesota in the 1960s. When that wasn't enough, citizens petitioned the Service to protect the bear, which finally happened in 1992. Shortly thereafter, Louisiana created a license plate that residents could purchase for 26 dollars, which would be placed in a fund to restore the bear's shrinking habitat. In the decades that followed, Louisiana failed to use this money to restore and protect habitat or build a corridor, instead relying on private landowner agreements to protect any suitable habitat. After years of federal protections that prohibited any black bear hunting in Louisiana, state politicians and landowners grew restless, initiating closed door discussions to expedite removal of the bear from the Endangered Species List. In 2016, when enough political will finally supported this hunt, the Service removed *luteolus* from the List. For the next five years, Louisiana monitored the bear population and published Post-Delisting Monitoring Reports, as required by the Service. Though being obligated for seven years, not five, Louisiana chose to end its monitoring in 2021, utilizing the same data for its final three reports. After publishing these last reports with a set of data showing a bear population that was barely above the threshold for viability under some models and below the threshold with others, Louisiana had "satisfied" its post-delisting monitoring obligations. With the Service no longer supervising its activities, Louisiana then amended its laws to authorize an official harvest and allow black bear conservation funds to be used for hunting. The state subsequently held a lottery that awarded ten hunting tags, with eight being awarded to specific landowners who will soon be baiting and hunting the bear before the end of the year. Louisiana did not build a bear corridor, has not effectively protected bear habitat, and is not providing its residents with full and complete information about the bear population or the bear hunt.

This entire petition provides the Service with sufficient proof that black bears in Louisiana warrant threatened status and subsequent federal protections.<sup>150</sup> If the Service refuses to act promptly, the inspiration for the world-famous Teddy Bear may soon be lost forever.

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<sup>150</sup> Petitioners submitted public comments on the Notice of Intent for this hunt, and those comments are similar to this petition, though more focused on the hunt itself. Petitioners urge the Service to read those comments in their entirety if this petition does not sufficiently sway the agency to take action. Those comments are available at Appendix VV, the last document in the appendix.

This emergency petition is respectfully submitted Atchafalaya Basinkeeper, Inc, Louisiana Crawfish Producers Association – West, Healthy Gulf, and the Sierra Club Delta Chapter.



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